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WC 05-323

SWIDLER BERLIN LLP

DATE STAMP AND RETURN

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OCT 26 2005

Federal Communications Commission  
Office of Secretary

VIA COURIER

October 26, 2005

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Natek, Inc.  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002

Re: Section 63.17 Application of CoreCom New York, Inc. for Authority to  
Discontinue Certain Services

Dear Ms. Dortch:

On behalf of CoreCom New York, Inc. (collectively, "CC-NY"), enclosed for filing are an original and six (6) copies of the above-referenced application.

Please date stamp the extra copy of this filing and return it in the envelope provided. Should you have any questions with respect to this matter, please do not hesitate to contact me at (202) 424-7697.

Respectfully submitted,



Brett P. Ferenczak

Enclosure

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.**

In the Matter of	)	
	)	
Section 63.71 Application of	)	
	)	
CoreComm New York, Inc.	)	WC Docket No. 05-_____
	)	
For Authority to Discontinue	)	
Certain Services	)	

**SECTION 63.71 APPLICATION**

CoreComm New York, Inc. ("CC-NY"), through its undersigned counsel, hereby file this Application to discontinue services pursuant to Section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, and Section 214 of the Communications Act of 1934, as amended, in state of New York. Specifically, CC-NY is seeking to discontinue the provision of certain local and domestic and international long distance services to its remaining customers in the State of New York on December 27, 2005. In support of this Application, CC-NY submits the following information:

**1. Description of Discontinuance**

**1. Name and address of carrier**

CoreComm New York, Inc.  
2100 Renaissance Boulevard  
King of Prussia, PA 19406

**2. Date of planned service discontinuance**

The anticipated date for the discontinuance of service in the markets identified below in paragraph 3 is December 27, 2005, or as soon thereafter as the necessary federal and state regulatory authorizations have been obtained.

**3. Points of geographic areas of service affected**

By this Application, CC-NY seeks authority to discontinue the provision of all local, intrastate toll, interstate toll, and international telecommunications services<sup>1</sup> to its remaining customers located in the state of New York.

**4. Brief description of the type of service affected**

CC-NY proposes to discontinue the provision of local, intrastate toll, interstate toll and international telecommunications services.

**5. Brief description of the dates and methods of notice to all affected customers**

Written notice to all affected customers substantially in the form of the sample letter attached as Exhibit A was mailed to affected customers in New York on October 26, 2005. The customer notice letters were prepared in accordance with the requirements of Section 63.71(a) of the Commission's Rules.

**6. Non-dominance of the carrier with respect to the service to be discontinued**

CC-NY is non-dominant with respect to the services that it proposes to discontinue.

**7. Service**

In accordance with Section 63.71(a) of the Commission's rules, CC-NY has mailed a copy of this Application to the Governor and the public service commission of the state of New York and to the Special Assistant for Telecommunications for the Secretary of Defense.

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<sup>1</sup> CC-NY provides international telecommunications services pursuant to the international Section 214 authorization granted to its direct parent, CoreComm Newco, Inc. See 1 B File No. JTC-214-19980501-00290.

8. Additional questions regarding this application may be addressed to:

Eric J. Branfman  
Brett P. Ferenchak  
Swidler Berlin LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
(202) 424-7697 (Telephone)  
(202) 424-7645 (Facsimile)  
[EJBranfman@swidlaw.com](mailto:EJBranfman@swidlaw.com)  
[BPFerenchak@swidlaw.com](mailto:BPFerenchak@swidlaw.com)

II. Circumstances of Discontinuance

CC-NY and its "CoreComm" affiliates (collectively, "CoreComm") are currently in the process of wrapping up their business and dissolving.<sup>2</sup> As part of that process, certain CoreComm customers were transferred to its affiliate, ATX Licensing, Inc. ("ATX"), and other unaffiliated carriers.<sup>3</sup> CoreComm determined that services to other customers must be discontinued and, therefore, filed the necessary Section 63.71 applications with the Commission.<sup>4</sup>

More recently, CoreComm identified approximately 190 customer lines in the State of New York that must be disconnected before CC-NY can wrap-up its business and dissolve. These customer lines were identified during the reconciliation of CC-NY's records and

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<sup>2</sup> CoreComm's "ATX" affiliates, including ATX Licensing, Inc. and ATX Telecommunications Services of Virginia, LLC, will continue to provide services under their own authority.

<sup>3</sup> The transfer of CoreComm customers to ATX was approved in WC Docket No. 05-92. CC-NY transferred certain of its customers in New York to Manhattan Telecommunications Corporation d/b/a Metropolitan Communications ("MetTel"). See WC Docket No. 05-189. CoreComm affiliates in Illinois, Indiana, Michigan Ohio and Wisconsin transferred their customers to First Communications, LLC. See WC Docket No. 05-241.

<sup>4</sup> CoreComm previously obtained approval to discontinue certain customers of as part of the emergence from bankruptcy of CoreComm and its ultimate parent company, ATX Communications, Inc. ("ATX"). See WC Docket No. 05-204. CoreComm subsequently identified certain additional customers in Florida, Minnesota, Pennsylvania, Rhode Island and Virginia who (1) should have been included in the prior discontinuance, but were not, or (2) were not migrated to ATX Licensing, Inc., an affiliate of CoreComm, and therefore must be discontinued. See WC Docket No. 05-285.

Verizon's billing records.<sup>5</sup> The affected customers may receive local exchange service from CC-NY via the resale of Verizon's service or via UNE-P. None of the affected customers receive stand-alone long distance services; any long distance services provided by CC-NY are packaged with local exchange services.

The services to be discontinued are competitive in nature and customers have received sufficient notice in order to allow them to make arrangements for replacement services. Following the discontinuance of these customers, CC-NY intends to surrender any FCC and state authorization and dissolve.

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<sup>5</sup> CC-NY notes that many of these customer may no longer be CC-NY customers and have not been billed for some time by CC-NY. Because Verizon continues to bill CC-NY for the line associated with these customers, however, CC-NY has sent all customers a discontinuance notice out of an abundance of caution so that when Verizon stops billing CC-NY for the line, the customer is not subjected to an unannounced discontinuance of service if Verizon turns off an active line.

### **III. Conclusion**

CC-NY believes that the proposed discontinuance is reasonable and necessary. CC-NY will take all reasonable steps, to the extent it is able, to assure that the discontinuance of service is not unduly disruptive to the present or future public convenience and necessity. For the foregoing reasons, CC-NY respectfully requests, pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a) and Section 63.71 of the Commission's Rules, that the Commission permit it to discontinue the provision of services to certain customers pursuant to Section 63.71.

Respectfully submitted,

By:



Eric J. Branfman  
Brett P. Ferenczak  
Swidler Berlin LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
(202) 424-7500 (Telephone)  
(202) 424-7645 (Facsimile)  
EJBranfman@swidlaw.com  
BPFerenczak@swidlaw.com

Dated: October 26, 2005

### CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application of CoreComm New York, Inc. was served this 16<sup>th</sup> day of October, 2005, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses appearing on the attached list.



Brett P. Ferenchak

## Service List

Secretary of Defense  
Attn: Special Assistant for Telecommunications  
The Pentagon  
Washington, D.C. 20301

Governor George E. Pataki  
State Capitol  
Albany, NY 12224

Jaclyn A. Brillling, Acting Secretary  
New York Public Service Commission  
Agency Building 3  
Three Empire State Plaza  
Albany, NY 12223-1350



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**EXHIBIT A**

**Sample Discontinuance Notice Letter**



October 26, 2005

Re: **IMPORTANT NOTICE, LOSS OF TELEPHONE SERVICE  
DISCONTINUANCE OF TELEPHONE SERVICE – PLEASE DO NOT DISREGARD  
THIS NOTICE.**

Dear Customer:

At this time, CoreComm<sup>1</sup> provides you with local and/or long distance telephone service. We regret to inform you that CoreComm can no longer provide your local and/or long distance telephone service for certain telephone lines, which are identified on the attached enclosed list. Accordingly, subject to regulatory approval, as of **December 27, 2005**, CoreComm will no longer provide your **LOCAL TELEPHONE SERVICE** and you must take action.

If you also receive **LONG DISTANCE TELEPHONE SERVICES** from CoreComm, those services will also be discontinued, subject to regulatory approval, at or about the same time. Your **LOCAL TELEPHONE SERVICE** and your **LONG DISTANCE TELEPHONE SERVICE**, if you receive such service from CoreComm, **will not be automatically transferred to another provider**, so you must take a immediate action to avoid interruption to your **LOCAL TELEPHONE SERVICE**, and, if you receive it from CoreComm, **LONG DISTANCE TELEPHONE SERVICE**. This is the **only notice** you will receive about the loss of your telephone service.

**Your immediate action is required!** In order to obtain alternative **LOCAL TELEPHONE SERVICE** and **LONG DISTANCE TELEPHONE SERVICE**, you must select a new service provider(s) **immediately**. To prevent the loss of your local telephone service, you must select another local telephone service provider on or before November 27, 2005. If you act by this date there should be enough time for your chosen new local telephone service provider to start your new service before your CoreComm service ends. We are making every effort to continue our service to you until December 27, 2005. Accordingly, please do not delay in arranging for a new provider(s). A list of telecommunications providers serving your area can generally be found in the front of your local telephone book. Please remember that you can choose the provider of your local telephone service and may select any company that is offering service in your area.

Please be aware that you are responsible for paying all bills rendered to you by CoreComm during the transition to a new provider(s). You may be subject to suspension or termination of your phone service in accordance with the applicable rules if you fail to pay your telephone bill.

The Federal Communications Commission ("FCC") permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

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<sup>1</sup> CoreComm provides service under the names: CoreComm New York, Inc., formerly USN Communications.

*The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of CoreComm. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.*

CoreComm greatly appreciates the opportunity we have had to serve you and we sincerely regret the actions that we are undertaking at this time. Again we urge you to act immediately to obtain service from another provider(s). If we can provide assistance in the transition of service to another provider or you have questions about the discontinuance process, please call our toll free customer service number at 1-877-267-3266.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Joslin', with a long horizontal line extending to the right.

Christopher Joslin  
Vice President of Customer Operations and Marketing  
CoreComm

## VERIFICATION

I, Bruce Bennett, declare that I am Vice President for External Affairs of ATX Communications, Inc., the ultimate parent company of CoreComm New York, Inc.; that I am authorized to make this Verification on behalf of ATX Communications, Inc.; that the foregoing filing was prepared under my direction and supervision; and that the statements in the foregoing document are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 26, 2005, at Chicago, Illinois



Bruce Bennett  
Vice President for External Affairs  
ATX Communications, Inc.